

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 22-00246-CR-W-HFS
)	
LEE M. MILLER)	
)	
Defendant.)	

ORDER

On October 31, 2022, defendant was indicted for being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). (Doc. 14).

On April 6, 2023, defense counsel moved for an order of competency, pursuant to 18 U.S.C. § 4241 (Doc. 22); the order was granted, and defendant was directed to undergo competency evaluation. (Doc. 23). Defendant was designated to the Federal Medical Center in Lexington, Kentucky, and in a Forensic Psychology Examination Report dated, July 6, 2023, Forensic Psychologist, Kristen M. McDaniel, Psy.D., diagnosed defendant with schizophrenia, multiple episodes, currently in acute episode, concluding that defendant was not presently competent to proceed and recommending that defendant receive inpatient competence restoration services. (Doc. 29, pp. 13-15).

On July 18, 2023, a competency hearing was held before the Honorable Jill A. Morris with the parties present stipulating that Dr. McDaniel would testify consistent with the Report. (Doc. 34). In a Report and Recommendation (“R&R”), Judge Morris recommended that defendant be found incompetent to stand trial and to assist in his defense. (Doc. 36). Objections were not filed and by Order dated August 17, 2023, the R&R was adopted (Doc. 39) and in an amended order defendant was committed to the custody of the Attorney General for hospitalization and treatment in a suitable facility pursuant to 18 U.S.C. § 4241(d) for a reasonable period of time up to 120 days. (Doc. 40).

At the conclusion of the competency restoration period, in a Forensic Evaluation dated April 29, 2024, Forensic Psychologist, Drew J. Miller, Ph.D., concluded that defendant no longer suffered from a mental disease or defect which rendered him unable to understand the nature and consequences of the proceedings against him, or to assist properly in his defense. (Doc. 41, pp. 18-24). A competency hearing was held on May 22, 2024, with all parties present stipulating to the contents and findings of Dr. Drew and no additional evidence was presented. (Doc. 44).

After making an independent review of the record, and the applicable law, Judge Morris determined that the defendant was not currently suffering from a mental disease or defect preventing him from understanding the nature and consequences of the proceedings against him or assisting in his defense. Judge Morris recommended an order finding defendant competent to proceed. (Doc. 46, Report and Recommendation).

To-date, no objections to the Report and Recommendation have been filed, and the time in which to do so has expired. Thus, the findings and conclusions in the Report and Recommendation that defendant is competent to proceed (Doc. 46) are ADOPTED by the undersigned.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

Dated: June 10, 2024
Kansas City, Missouri